

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Joshua Adams,

Plaintiff,

Case No.: **1:24-cv-00971-VSB**

-v-

**104 West 13th Street Owners Corp, and
N&J Salam Corp.,**

DEFAULT FINAL JUDGMENT
AGAINST DEFENDANT
N&J SALAM CORP.

Defendants.

_____X

FINAL DEFAULT JUDGMENT

THIS ACTION, having been commenced on February 9, 2024 by the filing of the Complaint [DE#1] having been filed on February 9, 2024 and served on Defendant **N&J Salam Corp.** on February 20, 2024 via the Secretary of State as their authorized agent for service of process, and with proof of service having been filed on February 21, 2023 [DE#7], and the Defendants having not appeared or answered the Complaint [DE#1], and the time for answering the Complaint [DE#1] having expired on March 12, 2024, it is hereby

ORDERED, ADJUDGED, and DECREED that the Plaintiff have Final Default Judgment against Defendant, Defendant **N&J Salam Corp.** (hereinafter referred to as “Defendant”), as follows:

A) Defendants shall be required apply for, obtain, and cause the removal and remediation the following barriers to access which exist in violation of Title III of the Americans with Disabilities Act 42 U.S.C. § 12181, *et seq.*, within 90 days following the date of the Court’s entry of this Final Default Judgment:

1. Inaccessible entrance.
2. Accessible route to establishment not provided as required.
3. Accessible means of egress not provided as required.
4. Existing step at entrance acts as a barrier to accessibility.
5. Required ramp not provided for step at entrance.

ADAAG 206 Accessible Routes ADAAG 206.1 General.

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 206.2 Where Required.

Accessible routes shall be provided where required by 206.2.

ADAAG 206.2.1 Site Arrival Points.

At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

ADAAG 206.4 Entrances.

Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402.

ADAAG 207 Accessible Means of Egress ADAAG 207.1 General.

Means of egress shall comply with section 1003.2.13 of the International Building Code (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition) (incorporated by reference, "Referenced Standards" in Chapter 1).

ADAAG 402 Accessible Routes ADAAG 402.1 General.

Accessible routes shall comply with 402.

ADAAG 402.2 Components.

Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 403 Walking Surfaces ADAAG 403.4 Changes in Level. Changes in level shall comply with 303

ADAAG 303.4 Ramps.

Changes in level greater than ½ inch high shall be ramped, and shall comply with 405 or 406.

6. Required Hand Rails not provided.

7. REQUIRED MINIMUM SPACE NOT PROVIDED BETWEEN TWO DOORS IN SERIES AT ENTRANCE.

Required minimum maneuvering clearance not provided at entrance door. Non-compliant change in floor level within required maneuvering clearance at entrance door.

ADAAG 206 Accessible Routes ADAAG 206.1 General.

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 206.2 Where Required.

Accessible routes shall be provided where required by 206.2.

ADAAG 206.2.1 Site Arrival Points.

At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

ADAAG 206.4 Entrances.

Entrances shall be provided in accordance with 206.4. Entrance doors, doorways, and gates shall comply with 404 and shall be on an accessible route complying with 402.

ADAAG 206.4.1 Public Entrances.

In addition to entrances required by 206.4.2 through 206.4.9, at least 60 percent of all public entrances shall comply with 404.

ADAAG 207 Accessible Means of Egress ADAAG 207.1 General.

Means of egress shall comply with section 1003.2.13 of the International Building Code (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition) (incorporated by reference, "Referenced Standards" in Chapter 1)

ADAAG 404.2.4 Maneuvering Clearances.

Minimum maneuvering clearances at doors and gates shall comply with 404.2.4.

Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance.

ADAAG 404.2.4.4 Floor or Ground Surface.

Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.

8. INACCESSIBLE BAR.

NON-COMPLIANT HEIGHT OF BAR EXCEEDS MAXIMUM HEIGHT ALLOWANCE.

REQUIRED MINIMUM KNEE AND TOE CLEARANCE NOT PROVIDED AT BAR.

PORTION OF BAR REQUIRED TO BE ACCESSIBLE NOT PROVIDED.

9. Non-compliant height of wall mounted dining counter exceeds maximum height allowance.

10. Portion of wall mounted dining counter required to be accessible not provided.

ADAAG 226 Dining Surfaces and Work Surfaces ADAAG 226.1 General.

Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902.

ADAAG 902 Dining Surfaces and Work Surfaces ADAAG 902.1 General.

Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

Advisory 902.1 General.

Dining surfaces include, but are not limited to, bars, tables, lunch counters, and booths.

ADAAG 902.3 Height.

The tops of dining surfaces and work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish floor or ground.

12. Non-compliant height of window front dining counter exceeds maximum height allowance.

13. Portion of window front dining counter required to be accessible not provided.

ADAAG 226 Dining Surfaces and Work Surfaces ADAAG 226.1 General.

Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902.

ADAAG 902 Dining Surfaces and Work Surfaces ADAAG 902.1 General.

Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

Advisory 902.1 General.

Dining surfaces include, but are not limited to, bars, tables, lunch counters, and booths.

ADAAG 902.3 Height.

The tops of dining surfaces and work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish floor or ground.

14. Inaccessible bar.

15. Non-compliant height of bar exceeds maximum height allowance.

16. Required minimum knee and toe clearance not provided at bar.

17. Portion of bar required to be accessible not provided.

ADAAG 226 Dining Surfaces and Work Surfaces ADAAG 226.1 General.

Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902.

ADAAG 902 Dining Surfaces and Work Surfaces ADAAG 902.1 General.

Dining surfaces and work surfaces shall comply with 902.2 and 902.3.

Advisory 902.1 General.

Dining surfaces include, but are not limited to, bars, tables, lunch counters, and booths.

ADAAG 902.2 Clear Floor or Ground Space.

A clear floor space complying with 305 positioned for a forward approach shall be provided. Knee and toe clearance complying with 306 shall be provided.

ADAAG 902.3 Height.

The tops of dining surfaces and work surfaces shall be 28 inches (710 mm) minimum and 34 inches (865 mm) maximum above the finish floor or ground.

ADAAG 306.2 Toe Clearance.

ADAAG 306.2.3 Minimum Required Depth.

Where toe clearance is required at an element as part of a clear floor space, the toe clearance shall extend 17 inches (430 mm) minimum under the element.

ADAAG 306.2.5 Width.

Toe clearance shall be 30 inches (760 mm) wide minimum.

ADAAG 306.3 Knee Clearance.

ADAAG 306.3.3 Minimum Required Depth.

Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the ground, and 8 inches deep minimum at 27 inches (685 mm) above the finish floor or ground.

ADAAG 306.3.5 Width.

Knee clearance shall be 30 inches (760 mm) wide minimum.

18. Inaccessible exterior back dining area.

19. Accessible route to exterior back dining area not provided as required.

20. Existing steps at travel path leading from interior of establishment to exterior back dining area act as a barrier to accessibility.

21. Required ramp not provided for steps at travel path leading from interior of establishment to exterior back dining area.

ADAAG 206.2.5 Restaurants and Cafeterias.

In restaurants and cafeterias, an accessible route shall be provided to all dining areas, including raised or sunken dining areas, and outdoor dining areas.

ADAAG 206 Accessible Routes ADAAG 206.1 General.

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 402 Accessible Routes ADAAG 402.1 General.

Accessible routes shall comply with 402.

ADAAG 402.2 Components.

Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 403 Walking Surfaces ADAAG 403.4 Changes in Level. Changes in level shall comply with 303

ADAAG 303.4 Ramps.

Changes in level greater than ½ inch high shall be ramped, and shall comply with 405 or 406.

22. REQUIRED MINIMUM MANEUVERING CLEARANCE NOT PROVIDED AT DOOR AT TRAVEL PATH LEADING TO RESTROOMS.

23. NON-COMPLIANT DOOR KNOB AT DOOR AT TRAVEL PATH LEADING TO RESTROOMS REQUIRES TWISTING OF THE WRIST.

24. INACCESSIBLE RESTROOMS LOCATED AT LOWER LEVEL OF ESTABLISHMENT.

ACCESSIBLE ROUTE TO RESTROOMS NOT PROVIDED AS REQUIRED.
EXISTING STAIR FLIGHT AT TRAVEL PATH TO RESTROOMS ACTS AS A
BARRIER TO
ACCESSIBILITY.

ADAAG 206 Accessible Routes ADAAG 206.1 General.

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 402 Accessible Routes ADAAG 402.1 General.

Accessible routes shall comply with 402.

ADAAG 402.2 Components.

Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 404.2.3 Clear Width.

Door openings shall provide a clear width of 32 inches (815 mm) minimum. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees.

25. Required minimum maneuvering clearance not provided at door of the first of two restrooms.

ADAAG 206 Accessible Routes ADAAG 206.1 General.

Accessible routes shall be provided in accordance with 206 and shall comply with Chapter 4.

ADAAG 402 Accessible Routes ADAAG 402.1 General.

Accessible routes shall comply with 402.

ADAAG 402.2 Components.

Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

ADAAG 404.2.4 Maneuvering Clearances.

Minimum maneuvering clearances at doors and gates shall comply with 404.2.4.

Maneuvering clearances shall extend the full width of the doorway and the required latch side or hinge side clearance.

26. Non-compliant door swing of door of the first of two restrooms.

27. Restroom door swings into the floor space of fixtures in the first of two restrooms.

ADAAG 603 Toilet and Bathing Rooms ADAAG 603.1 General.

Toilet and bathing rooms shall comply with 603.

ADAAG 603.2.3 Door Swing.

Doors shall not swing into the clear floor space or clearance required for any fixture.

28. Non-compliant door knob at door of the first of two restrooms requires twisting of the wrist.

ADAAG 404 Doors, Doorways, and Gates ADAAG 404.1 General.

Doors, doorways, and gates that are part of an accessible route shall comply with 404.

ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4

ADAAG 309.4 Operation.

Operable parts shall be operable with one hand and shall not require tight grasping, pinching,

or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

29. Non-compliant door lock at door of the first of two restrooms requires twisting of the wrist.

ADAAG 404 Doors, Doorways, and Gates ADAAG 404.1 General.

Doors, doorways, and gates that are part of an accessible route shall comply with 404.

ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4

ADAAG 309.4 Operation.

Operable parts shall be operable with one hand and shall not require tight grasping, pinching,

or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

30. REQUIRED HANDRAILS NOT PROVIDED AT BOTH SIDES OF STAIRS LEADING TO RESTROOMS.

31. COMPLIANT SIGNAGE IDENTIFYING THE BOTH RESTROOMS NOT PROVIDED AS

REQUIRED.

ADAAG 603 Toilet and Bathing Rooms

ADAAG 603.1 General.

Toilet and bathing rooms shall comply with 603.

ADAAG 603.2 Clearances. Clearances shall comply with 603.2.

ADAAG 603.2.1 Turning Space.

Turning space complying with 304 shall be provided within the room.

ADAAG 304.3.1 Circular Space.

The turning space shall be a space of 60 inches (1525 mm) diameter minimum.

The space shall be permitted to include knee and toe clearance complying with 306

31. Inaccessible water closet in the first of two restrooms.

32. Required minimum clearance not provided at water closet in the first of two restrooms.

ADAAG 604 Water Closets and Toilet Compartments

ADAAG 604.3 Clearance.

Clearances around water closets and in toilet compartments shall comply with 604.3.

ADAAG 604.3.1 Size.

Clearance around a water closet shall be 60 inches (1525 mm) minimum measured perpendicular from the side wall and 56 inches (1420 mm) minimum measured perpendicular from the rear wall.

33. Required grab bars not provided on rear and side walls of water closet in the first of two restrooms.

ADAAG 604 Water Closets and Toilet Compartments

ADAAG 604.5 Grab Bars.

Grab bars for water closets shall comply with 609.

Grab bars shall be provided on the side wall closest to the water closet and on the rear wall.

34. INSULATION OF PIPES AND WATER LINES UNDER THE LAVATORY IN BOTH RESTROOMS

NOT PROVIDED AS REQUIRED.

35. Insulation of pipes and water lines under the lavatory in the first of two restrooms not provided as required.

ADAAG 606 Lavatories and Sinks.

ADAAG 606.5 Exposed Pipes and Surfaces.

Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

36. Non-compliant faucet knobs at lavatory in the first of two restrooms require twisting of the wrist.

ADAAG 606 Lavatories and Sinks.

ADAAG 606.4 Faucets.

Controls for faucets shall comply with 309.

Hand-operated metering faucets shall remain open for 10 seconds minimum.

ADAAG 309 Operable Parts

ADAAG 309.4 Operation.

Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

37. Inaccessible mirror in the first of two restrooms.

38. Non compliant mounted height of mirror in the first of two restrooms exceeds maximum height allowance.

ADAAG 603.3 Mirrors.

Mirrors located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the finish floor or ground.

Mirrors not located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 35 inches (890 mm) maximum above the finish floor or ground.

39. NON-COMPLIANT FAUCET KNOBS AT LAVATORY IN MEN'S RESTROOM REQUIRE TWISTING OF THE WRIST.

Inaccessible water closet in the second of two restrooms.

40. Required minimum clearance not provided at water closet in the second of two restrooms.

ADAAG 604 Water Closets and Toilet Compartments

ADAAG 604.3 Clearance.

Clearances around water closets and in toilet compartments shall comply with 604.3.

ADAAG 604.3.1 Size.

Clearance around a water closet shall be 60 inches (1525 mm) minimum measured perpendicular from the side wall and 56 inches (1420 mm) minimum measured perpendicular from the rear wall.

41. Non-compliant existing grab bar at rear wall of water closet in the second of two restrooms does not meet minimum size requirement.

ADAAG 604 Water Closets and Toilet Compartments

ADAAG 604.5.2 Rear Wall.

The rear wall grab bar shall be 36 inches (915 mm) long minimum and extend from the centerline of the water closet 12 inches (305 mm) minimum on one side and 24 inches (610 mm) minimum on the other side.

42. Non-compliant existing grab bar at side wall of water closet in the second of two restrooms does not meet minimum size requirement.

ADAAG 604 Water Closets and Toilet Compartments

ADAAG 604.5.1 Side Wall.

The side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall.

43. INSULATION OF PIPES AND WATER LINES UNDER THE LAVATORY IN RESTROOMS NOT PROVIDED AS REQUIRED.

Inaccessible flush control at water closet in the second of two restrooms.

44. Non-compliant position of flush control located at closed side of water closet in the second of two restrooms.

ADAAG 604 Water Closets and Toilet Compartments.

ADAAG 604.6 Flush Controls.

Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with 309. Flush controls shall be located on the open side of the water closet except in ambulatory accessible compartments complying with 604.8.2.

45. Insulation of pipes and water lines under the lavatory in the second of two restrooms not provided as required.

ADAAG 606 Lavatories and Sinks.

ADAAG 606.5 Exposed Pipes and Surfaces.

Water supply and drain pipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

46. Inaccessible mirror in the second of two restrooms.

47. Non-compliant mounted height of mirror in the second of two restrooms exceeds maximum height allowance.

ADAAG 603.3 Mirrors.

Mirrors located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the finish floor or ground.

Mirrors not located above lavatories or countertops shall be installed with the bottom edge of the reflecting surface 35 inches (890 mm) maximum above the finish floor or ground.

48. Non-compliant door knob at door of the second of two restrooms requires twisting of the wrist.

ADAAG 404 Doors, Doorways, and Gates ADAAG 404.1 General.

Doors, doorways, and gates that are part of an accessible route shall comply with 404. ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4

ADAAG 309.4 Operation.

Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

49. Non-compliant door lock at door of the second of two restrooms requires twisting of the wrist.

ADAAG 404 Doors, Doorways, and Gates ADAAG 404.1 General.

Doors, doorways, and gates that are part of an accessible route shall comply with 404.

ADAAG 404.2.7 Door and Gate Hardware.

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with 309.4

ADAAG 309.4 Operation.

Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum.

B) Plaintiff shall serve a copy of this Default Final Judgment, *and* all supporting papers by Certified U.S. Mail and file proof of such service on the record.

C) Plaintiff shall have 180 days after date of the Court's entry of this Final Default Judgment to file a motion to tax costs and award reasonable attorney's fees and shall file all an affirmation in support of that motion, a copy of Plaintiff's fee statements or time entry billing, and receipts for costs sought in said motion.

DONE and ORDERED in New York, New York, this ____ day of _____, 2024.

HONORABLE VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK